



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Panel Charter Consultation – *Missouri River (North Dakota) Task Force*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Missouri River (North Dakota) Task Force* (attached). The Task Force will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Task Force's charter renewal with the Library of Congress and the appropriate congressional committees the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the proposed charter (attached). The proposed charter renewal has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Betty Mosher at 703-697-4555.

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James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter

CHARTER
MISSOURI RIVER (NORTH DAKOTA) TASK FORCE

1. Committee's Official Designation: The Committee will be known as the Missouri River (North Dakota) Task Force ("the Task Force").
2. Authority: The Secretary of Defense, pursuant to Section 705(a) of the Missouri River Protection and Improvement Act of 2000 ("the Missouri River Act") (Title VII of Public Law 106-541, the Water Resources Development Act of 2000), and in accordance with the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Task Force.
3. Objectives and Scope of Activities: The Task Force provides independent advice and recommendations on plans and projects to reduce siltation of the Missouri River in the State of North Dakota, as directed by Section 705 of the Missouri River Act, and as set out in paragraph four below.
4. Description of Duties: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan Program. Specifically, the Task Force shall:
 - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the Missouri River Act, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion, and control erosion along the Missouri River;
 - b. Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
 - c. Determine if these projects primarily benefit the Federal Government.

The Task Force may, on an annual basis, revise the plan and shall provide the public with the opportunity to review and comment on any proposed revision.
5. Agency or Official to Whom the Committee Reports: The Task Force shall report to the Secretary of the Army and the U.S. Army Corps of Engineers. The Secretary of the Army may act upon the Task Force's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support, as deemed necessary, for the performance of the Task Force's functions, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of

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1976 (5 U.S.C. § 552b, as amended) (“the Sunshine Act”), governing Federal statutes and regulations, and established DoD policies and procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings and contract support, is approximately \$56,000. The estimated annual personnel cost to the DoD is .5 full-time equivalent.
8. Designated Federal Officer (DFO): The Task Force's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee and shall be appointed pursuant to established DoD policies and procedures.

The Task Force's DFO is required to be in attendance at all meetings of the Task Force and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Task Force's DFO, a properly approved Alternate DFO, duly appointed to the Task Force according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Task Force and its subcommittees.

The DFO, or the Alternate DFO, shall call all Task Force and subcommittee meetings; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Task Force shall meet at the call of the Task Force's DFO, in consultation with the Task Force's Chair. The estimated number of Task Force meetings is no less than two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Task Force shall terminate upon rescission of Section 705(a) of the Missouri River Act.
12. Membership, Designation, and Compensation: As prescribed by Sections 704 and 705 of the Missouri River Act, the Task Force shall be composed of not more than 20 members. Specifically, the Task Force membership shall be composed of:
 - a. The Secretary of the Army or designee, who shall serve as the Chair;
 - b. The Secretary of Agriculture or designee;
 - c. The Secretary of Energy or designee;
 - d. The Secretary of the Interior or designee; and

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- e. The Trust, which is composed of 16 members to be appointed by the Secretary of the Army, including:
 - i. Twelve members recommended by the Governor of North Dakota that represent equally the various interests of the public and include representatives of
 1. the North Dakota Department of Health,
 2. the North Dakota Department of Parks and Recreation,
 3. the North Dakota Department of Game and Fish,
 4. the North Dakota State Water Commission,
 5. the North Dakota Indian Affairs Commission,
 6. agricultural groups,
 7. environmental or conservation organizations,
 8. the hydroelectric power industry,
 9. recreation user groups,
 10. local governments, and
 11. other appropriate interests.
 - ii. 4 members representing each of the 4 Indian tribes in the State of North Dakota.

The members of the Trust shall be appointed by the Secretary of the Army as representative members to the Task Force, pursuant to 41 C.F.R. § 102-3.130(a). Those individuals who are full-time or permanent part-time Federal employees shall be appointed regular government employee (RGE) members, pursuant to 41 C.F.R. § 102-3.130(a).

All representative members of the Trust shall be appointed for a two-year term of service; and no member, unless authorized by the Secretary of Defense upon request of the Secretary of the Army, may serve more than two consecutive terms of service. In addition, all Task Force members shall, with the exception of reimbursement of official Task Force-related travel and per diem, serve without compensation.

13. Subcommittees: The Department, when necessary and consistent with the Task Force's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Task Force. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the Task Force's Sponsor.

Such subcommittees shall not work independently of the chartered Task Force and shall report all of their recommendations and advice solely to the Task Force for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Task Force. No subcommittee or any of its members can update or report,

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verbally or in writing, on behalf of the Task Force, directly to the DoD or any Federal officers or employees.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, if not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as special government employee members. Those individuals who are full-time or permanent part-time Federal employees will be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. With the exception of reimbursement for official Task Force-related travel and per diem, subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice to the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Task Force and its subcommittees shall be handled according to section 2, General Records Schedule 26, and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
15. Filing Date:

Membership Balance Plan
Missouri River (North Dakota) Task Force

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to Section 705(a) of the Missouri River Protection and Improvement Act of 2000 (“the Missouri River Act”) (Title VII of Public Law 106-541, the Water Resources Development Act of 2000) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Missouri River (North Dakota) Task Force (“the Task Force”).
2. Mission/Function: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan Program. Specifically, the Task Force shall:
 - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the Missouri River Act, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion, and control erosion on the Missouri River;
 - b. Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
 - c. Determine if these projects primarily benefit the Federal Government.

The Task Force may, on an annual basis, revise the plan and shall provide the public with the opportunity to review and comment on any proposed revision.

3. Points of View: As prescribed by Sections 704 and 705 of the Missouri River Act, the Task Force shall be composed of not more than 20 members. Specifically, the Task Force membership shall be composed of:
 - a. The Secretary of the Army or designee, who shall serve as the Chair;
 - b. The Secretary of Agriculture or designee;
 - c. The Secretary of Energy or designee;
 - d. The Secretary of the Interior or designee; and
 - e. The Trust, which is composed of 16 members to be appointed by the Secretary of the Army, including:
 - i. Twelve members recommended by the Governor of North Dakota that represent, equally, the various interests of the public and include representatives of
 - a. the North Dakota Department of Health,

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Missouri River (North Dakota) Task Force

- b. the North Dakota Department of Parks and Recreation,
 - c. the North Dakota Department of Game and Fish,
 - d. the North Dakota State Water Commission,
 - e. the North Dakota Indian Affairs Commission,
 - f. agricultural groups,
 - g. environmental or conservation organizations,
 - h. the hydroelectric power industry,
 - i. recreations user groups,
 - j. local governments,
 - k. and other appropriate interests.
- ii. 4 members representing each of the 4 Indian tribes in the State of North Dakota.

The members of the Trust shall be appointed by the Secretary of the Army as representative members to the Task Force, pursuant to 41 C.F.R. § 102-3.130(a). Those individuals who are full-time or permanent part-time Federal employees shall be appointed regular government employee (RGE) members, pursuant to 41 C.F.R. § 102-3.130(a).

4. Other Balance Factors: N/A
5. Candidate Identification Process: Individuals recommended for The Trust in accordance with the Missouri River Act, as described above in section three above, shall be appointed by the Secretary of the Army as representative members to the Task Force

Prior to the formal nomination, the list of potential nominees undergoes a review by the Department of Defense Office of General Counsel (DoD OGC) and the Office of the Advisory Committee Management Officer to ensure compliance with the Missouri River Act, as well as federal and DoD governance requirements, including compliance with the Task Force's charter and membership balance plan. All Task Force members shall be appointed for a two-year term of service with annual renewals and may serve no more than two consecutive terms of service on the Task Force unless authorized by the Secretary of Defense upon the request of the Secretary of the Army.

6. Subcommittee Balance: The Department, when necessary, and consistent with the Task Force's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Task Force.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, who are not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve

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Missouri River (North Dakota) Task Force

as special government employee members. Those individuals who are full-time or permanent part-time Federal employees will be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. With the exception of reimbursement of official Task Force-related travel and per diem, subcommittee members shall serve without compensation.

7. Other: As nominees are considered for appointment to the Task Force, the DoD adheres to the rules and regulations issued by the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Prepared: